

Notice of Allowability

Application No.

10/710,988

Examiner

Christopher Upton

Applicant(s)

DEPASO ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Election filed 11/8/2005.
2. ☒ The allowed claim(s) is/are 1-55.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Christopher Upton
Primary Examiner
Art Unit: 1724

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The dependency of claim 41 has been changed to -35 --.

In claim 43, line 3, "trailing" has been changed to - leading --.

In claim 52, line 3, "trailing" has been changed to - leading --.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James Cronvich on January 11 2005.

A handwritten signature in black ink, appearing to be 'CU' or similar, with a stylized flourish.

**CHRISTOPHER UPTON
PRIMARY EXAMINER**

The following is an examiner's statement of reasons for allowance: The recitation of a water screen having a foraminous belt with a means for lifting fish upward at the upstream portion and a dam downstream of the upstream portion at the surface of the stream to block the flow of the stream at the surface region, as recited in claim 1, patentably distinguishes over the prior art of record, which does not disclose such a dam. The closest prior art of record, Sutton, discloses a floating carriage at the surface for carrying jet nozzles. This is not a dam, and, rather than blocking flow, provides a reverse flow through the screen for cleaning.

The recitation of a water screen having a foraminous belt with flights on the outer side of the belt, wherein the flights on the upward moving side are inclined from a point of highest elevation (i.e. a leading portion) to a point of lowest elevation (i.e. a trailing portion) on the edge of the belt, as recited in claims 17, 35 and 45, patentably distinguishes over the prior art of record, which discloses horizontal flights.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

A handwritten signature in black ink, appearing to be 'C. Upton', with a stylized, flowing script.

**CHRISTOPHER UPTON
PRIMARY EXAMINER**